

PATENT
Attorney Docket No. 01-4029
Application Serial No. 09/777,969

REMARKS

Claims 1-10, 14-23, 27-35, and 60-67 are pending in this application, with claims 1, 14, 27, and 60 being independent. Claims 1, 14, 27, and 60 have been amended and claims 73-83, 86, and 87 have been canceled without prejudice or disclaimer, to expedite the prosecution of this case. No new matter is added. Favorable reconsideration and allowance are respectfully requested.

Claims 1-10, 14-23, 27-35, and 60-67 have been rejected under 35 U.S.C. § 112, second paragraph, as indefinite; claims 1, 2, 4-10, 14, 15, 17-23, 27, and 29-35 have been rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Publication No. 2001/0014616 (Matsuda); claims 3, 16, 28, and 60-66 have been rejected under 35 U.S.C. § 103(a) as being obvious over Matsuda in view of U.S. Patent No. 6,418,330 (Lee); claims 73-83 and 86-87 have been rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,070,053 (Yamashita) in view of Matsuda; and claim 67 has been rejected under 35 U.S.C. § 103(a) as being obvious over Matsuda, in view of Lee and further in view of U.S. Patent No. 6,366,791 (Lin). These rejections are respectfully traversed.

Claims 73-83, 86, and 87 have been canceled, thereby rendering the rejection thereof moot.

The claims have been carefully reviewed and amended as deemed necessary to ensure that they conform fully to the requirements of Section 112, second paragraph, with special attention to the points raised in paragraph 1 of the Office Action.

Specifically, independent claims 1, 14, 27, and 60 have been amended to recite generating an audible signal, wherein the audible signal that is generated is the audible signal

PATENT
Attorney Docket No. 01-4029
Application Serial No. 09/777,969

represented by a pre-configured and complete digital representation provided in a memory location selected in a selecting step, except that in response to receipt of a call signal that itself includes information identifying an audible signal and that is from a source listed in the memory as being pre-authorized, the audible signal that is generated is that audible signal identified by the call signal, rather than the audible signal represented by the pre-configured and complete digital representation provided in the memory location selected in the selecting step. Clear support for this recitation is to be found in the specification as filed at page 55, line 9, through page 57, line 22.

It is believed that the rejection under Section 112, second paragraph, has been obviated, and its withdrawal is therefore respectfully requested.

Matsuda relates to a portable mobile unit that is intended to generate any of a plurality of ringing sounds upon receipt of an incoming call signal. According to Matsuda, each signal can be made up of a mix of sound data of various types, including FM, PCM, and MIDI, which can be combined to produce the desired ringing sound (see Fig. 2). In addition, individual telephone numbers, or telephone numbers meeting certain criteria, can be associated with respective ringing sounds (the pattern numbers shown in Figs. 2 and 4). In this way, it is intended that the recipient of a call is able to identify, from the particular ringing sound used, what the origin of the call is.

Independent claim 1 is directed to a method for operating a user communication device, in which there is provided a pre-configured and complete digital representation of an audible signal in each of a plurality of memory locations of a memory of the user communication device, the audible signals being unique with respect to one another. A call signal is received at

PATENT
Attorney Docket No. 01-4029
Application Serial No. 09/777,969

the user communication device. In response to receiving the call signal at the user communication device, one of the plurality of memory locations is selected, and the audible signal represented by the pre-configured and complete digital representation provided in the memory location selected in the selecting step is generated, except that, in response to receipt of a call signal that itself includes information identifying an audible signal and that is from a source listed in the memory as being pre-authorized, the audible signal that is generated is that audible signal identified by the call signal, rather than the signal stored in the memory location selected in the selecting step.

Among other important features of that claim is the use of an audible signal identified in a received call that is from a source listed in memory as being pre-authorized by the user, rather than a pre-stored signal, to alert the user to the incoming call. Nothing has been found, or pointed to, in Matsuda that is seen to relate in any way to this feature. Rather, in that document, the only signals provided to a user to indicate an incoming call are those pre-stored in the mobile unit by the user. Accordingly, it is believed that claim 1 is allowable over Matsuda taken alone.

Moreover, the other art of record is not seen to provide what is missing from Matsuda as a reference against claim 1. For example, Yamashita relates to a system in which a caller can transmit a calling signal that includes music data appended to a message, and in which the called party's apparatus determines whether such music data is present, and if it is, performs ringing using the music data. Yamashita describes this feature as enabling the system to use "the music data transmitted from the calling station without dependence on a preset sound stored beforehand at the station" (col. 3, lines 8-11; also, see col. 1, lines 59-62). When no music data

PATENT
Attorney Docket No. 01-4029
Application Serial No. 09/777,969

is appended, the apparatus merely uses its standard ring to alert the user of the incoming call (col. 4, lines 59-66). Applicant submits, first, that one of ordinary skill would have no motivation to attempt to combine Yamashita and Matsuda, and second, that even if such motivation existed, the result of such combination would not meet the terms of claim 1.

First, even though Yamashita is concerned with being able to use music instead of a standard ringing tone, the entire patent has to do with the provision of music data from the caller's side, and nothing in the document has anything to do with inputting a customized signal at the recipient's side. Matsuda, on the other hand, is concerned only with the provision of multiple customized signals by the user to identify different callers or groups of callers. Nothing in the document relates to any arrangement that would permit a caller to send an identification of data to be used as a ringing tone. Each document presents one approach only, and neither provides any hint that another approach exists, or should be considered as well. Even if one assumed that all the features recited in claim 1 occurred individually in either Yamashita or Matsuda, therefore, there is not seen to be any motivation to combine the diametrically opposite approaches taken by those documents, apart from Applicant's own disclosure.

Moreover, even if such motivation to combine Matsuda and Yamashita existed, the result of such combination would not meet the terms of claim 1. Assuming one of ordinary skill had motivation to attempt such combination, the result would apparently be a system which, like that of Matsuda, permits a user to pre-store signals (patterns) to be used to signal the receipt of calls from specified callers or groups of callers, as illustrated in Fig. 4, and in which, as well, an incoming call could be examined for the presence of music data appended to a message. However, such device would only permit, at the most, such received music data to be used in

PATENT
Attorney Docket No. 01-4029
Application Serial No. 09/777,969

place of a pre-set standard audible signal like that in memory 5 of the Yamashita unit. There is seen to be no way for such combination to disable access to the memory storing the patterns in association with particular caller numbers. Consequently, received music data would be used to produce an audible signal only if the user has not selected one of the pre-stored patterns to be used for that purpose when receiving a call from the caller in question. Such combination would not teach or suggest the feature of claim 1 that in response to receipt of a call signal that itself includes information identifying an audible signal and that is from a source listed in memory as being pre-authorized, the audible signal that is generated is that audible signal identified by the call signal, rather than a signal stored in a memory location selected in a selecting step.

Accordingly, it is believed to be clear that claim 1 is allowable over Matsuda, taken alone or in any permissible combination (if any exists) with Yamashita.

A review of the remaining art of record, including Lee, has failed to reveal anything that, in Applicant's judgment, would affect the patentability of independent claim 1. Each of independent claims 14, 27, and 60 contains a recitation similar to that discussed above with regard to claim 1, and is believed also to be allowable over the art of record at least by virtue of the reasons discussed with regard to claim 1.

The Rejection Of The Dependent Claims

All remaining claims depend from one of the independent claims discussed above, and each partakes in the novelty and non-obviousness of its respective base claim. In addition, each recites additional patentable features of the present invention, and individual reconsideration of each is respectfully requested.


PATENT
Attorney Docket No. 01-4029
Application Serial No. 09/777,969

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and passage to issue of the present application.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 07-2347. If an extension of time under 37 C.F.R. § 1.136 not accounted for above is required, such an extension is requested and the fee should also be charged to our Deposit Account 07-2347.

Respectfully submitted,


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